



House of Representatives

File No. 674

General Assembly

February Session, 2018

(Reprint of File No. 375)

Substitute House Bill No. 5454
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 3, 2018

AN ACT CONCERNING NINETY-DAY PERMIT TURNAROUND TIMES FOR THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 22a-6ee of the 2018 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 Notwithstanding any provision of the general statutes, whether
5 received before, on or after the effective date of this section, the
6 Department of Energy and Environmental Protection shall make best
7 efforts to review and make a final determination on each of the
8 following types of permit applications not later than ninety days after
9 receipt of such application provided such application is complete: (1)
10 Air permits for the temporary use of radiation DTX or the temporary
11 use of radiation RMI issued pursuant to section 22a-150, (2) aquifer
12 protection registration issued pursuant to section 22a-354i-7 of the
13 regulations of Connecticut state agencies, [(3) aquifer protection, (4)]
14 [(3) certificate of permission issued pursuant to section 22a-363b, [(5)
15 coastal management consistency review form for federal authorization,

16 (6) emergency authorization to discharge to groundwater to remediate
17 pollution, (7) property transfers, (8)] (4) disposal of special waste
18 issued pursuant to section 22a-209 and any regulation adopted
19 pursuant to said section, [(9) marine terminals, (10) pesticide
20 application by aircraft, (11) pesticides in state waters, (12) waste
21 transportation] (5) collecting waste oil or petroleum or chemical liquids
22 or hazardous waste issued pursuant to section 22a-454, [(13)] (6) E-
23 waste: Manufacturer issued pursuant to section 22a-630, [(14) E-waste:
24 Covered recycler, (15)] (7) emergency discharge authorization issued
25 pursuant to subsection (a) of section 22a-6k, [(16)] (8) online sportsmen
26 licensing system, [(17)] (9) state park passes and bus permits issued
27 pursuant to section 23-26, [(18)] (10) state parks and forests special use
28 licenses issued pursuant to section 23-11, [(19) campground
29 reservations] (11) leases of camping sites issued pursuant to sections
30 23-16 and 23-16a, [(20) other camping permits, (21)] (12) boating
31 permits issued pursuant to section 15-140b, [(22)] (13) safe boating
32 certifications issued pursuant to section 15-140e, [(23)] (14) marine
33 event permits issued pursuant to section 15-121-A6 of the regulations
34 of Connecticut state agencies, [(24)] (15) marine dealer certificates
35 issued pursuant to section 15-121-B5 of the regulations of Connecticut
36 state agencies, [(25)] (16) navigation marker permit issued pursuant to
37 section 15-121-A5 of the regulations of Connecticut state agencies,
38 [(26)] (17) regulatory marker permit issued pursuant to section 15-121-
39 A5 of the regulations of Connecticut state agencies, [(27)] (18) water ski
40 slalom course or jump permit issued pursuant to section 15-134, [(28)
41 fishing tournaments, (29)] (19) inland fishing licenses issued pursuant
42 to section 26-112, [(30)] (20) marine recreational and commercial
43 licenses, [(31)] (21) hunting and trapping issued pursuant to section 26-
44 30, [(32)] (22) nonshooting field trial issued pursuant to section 26-51-2
45 of the regulations of Connecticut state agencies, [(33)] (23) private land
46 shooting preserve permit issued pursuant to section 26-48, [(34)] (24)
47 regulated hunting dog training applications issued pursuant to
48 sections 26-49, 26-51 and 26-52, [(35)] (25) scientific collection permit
49 for aquatic species, plants and wildlife, and for educational mineral
50 collection issued pursuant to section 26-60, [(36) commercial arborist,

51 (37) licensed environmental professional, (38) pesticide certification
 52 licensing and registration, (39) solid waste facility operator, (40)
 53 wastewater treatment facility operator certification, (41)] (26)
 54 commercial fishing licenses and permits issued pursuant to section 26-
 55 142a, [(42) forest practitioner, (43)] (27) nuisance wildlife control
 56 operator issued pursuant to subsection (b) of section 26-47, [(44)] (28)
 57 taxidermist issued pursuant to section 26-58, and [(45)] (29) wildlife
 58 rehabilitator issued pursuant to section 26-54. [Following such ninety-
 59 day period, if a final determination on such an application is not made
 60 by said agency, such application shall be deemed approved] Unless an
 61 applicant provides the department with additional time, in writing, the
 62 department shall ensure that all deficiencies in any of the applications
 63 for a permit described in this section are identified and the applicant
 64 notified, in writing, of such deficiencies not later than ninety days after
 65 the department received such application.

66 Sec. 2. (*Effective from passage*) The Commissioner of Energy and
 67 Environmental Protection shall establish a pilot program for the
 68 purpose of expediting the issuance of permits. In order to expedite the
 69 issuance of permits under the pilot program, the commissioner may
 70 authorize the use of not more than two licensed environmental
 71 professionals, as described in section 22a-133v of the general statutes,
 72 or other qualified environmental professionals certified by the
 73 commissioner as experts on relevant regulations and principles of
 74 environmental protection. The commissioner may establish fees for the
 75 expedited service provided under such pilot program. The
 76 commissioner shall retain all authority for the issuance of any permit
 77 pursuant to such pilot program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-6ee
Sec. 2	<i>from passage</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Department of Energy and Environmental Protection	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill is anticipated to result in a minimal revenue gain, as it allows the Department of Energy and Environmental Protection (DEEP) to set fees for expediting licenses or permits through a pilot program. DEEP would be anticipated to use its authority for this purpose.

House "A" removes the provision requiring DEEP to make best efforts to make a final determination on complete permit applications within 90 days, which has no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the amount of fees recovered through the pilot program.

OLR Bill Analysis**sHB 5454 (as amended by House "A")*****AN ACT CONCERNING NINETY-DAY PERMIT TURNAROUND TIMES FOR THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.****SUMMARY**

This bill requires the Department of Energy and Environmental Protection (DEEP) to make best efforts to review and make a final determination on certain permit applications within 90 days, as long as the applications are complete. DEEP must identify, and notify an applicant in writing of, all deficiencies in an application within 90 days of receiving it. The applicant may grant DEEP additional time for its review in writing. The bill applies to permit applications received by DEEP before, on, or after the bill's passage.

Under current law, specified applications are automatically approved if DEEP does not make a final determination on them within 90 days. The bill eliminates this automatic approval provision.

The bill applies its new timeframe requirements to 29 specified types of permit applications, as shown in Table 1. Current law's automatic approval provision applies to 45 types of applications, some of which are not for permits.

Lastly, the bill requires the DEEP commissioner to establish a pilot program to expedite the issuance of permits. For the program, the commissioner may use up to two licensed environmental professionals (LEPs) or other qualified environmental professionals he certifies as experts on relevant environmental protection regulations and principles (see BACKGROUND). The commissioner may establish fees for the expedited service and must retain authority for issuing the permits.

*House Amendment "A" makes two changes to the pilot program. It allows the DEEP commissioner to (1) use other qualified environmental professionals in addition to LEPs and (2) establish fees for the expedited service instead of recovering expenses through permit fees.

EFFECTIVE DATE: Upon passage

PERMIT APPLICATIONS AFFECTED

Table 1 identifies the 29 types of permit applications to which the bill's timeframe requirements apply and the applicable statutory or regulatory citation for each such permit, as identified in the bill. Most of these applications are subject to the current law's automatic approval provision.

Table 1: Permit Applications Subject to the Bill's Timeframe Requirements

	<i>Permit Application</i>	<i>Citation</i>
1	Air permits for the temporary use of radiation DTX or RMI	CGS § 22a-150
2	Aquifer protection registration	Conn. Agencies Regs. § 22a-354i-7
3	Certificate of permission	CGS § 22a-363b
4	Disposal of special waste	CGS § 22a-209 and related regulations
5	Collecting waste oil, petroleum, chemical liquids, or hazardous waste	CGS § 22a-454
6	E-waste manufacturer	CGS § 22a-630
7	Emergency discharge authorization	CGS § 22a-6k(a)
8	Online sportsmen licensing system	None specified
9	State park passes and bus permits	CGS § 23-26
10	State parks and forests special use licenses	CGS § 23-11

11	Camping site leases	CGS §§ 23-16 & 23-16a
12	Boating permits	CGS § 15-140b
13	Safe boating certifications	CGS § 15-140e
14	Marine event permits	Conn. Agencies Regs. § 15-121-A6
15	Marine dealer certificates	Conn. Agencies Regs. § 15-121-B5
16	Navigation marker permit	Conn. Agencies Regs. § 15-121-A5
17	Regulatory marker permit	Conn. Agencies Regs. § 15-121-A5
18	Water ski slalom course or jump permit	CGS § 15-134
19	Inland fishing licenses	CGS § 26-112
20	Marine recreational and commercial licenses	None specified
21	Hunting and trapping	CGS § 26-30
22	Non-shooting field trial	Conn. Agencies Regs. § 26-51-2
23	Private land shooting preserve permit	CGS § 26-48
24	Regulated hunting dog training	CGS §§ 26-49, 26-51, & 26-52
25	Scientific collection permit for aquatic species, plants, and wildlife and for educational mineral collection	CGS § 26-60
26	Commercial fishing licenses and permits	CGS § 26-142a
27	Nuisance wildlife control operator	CGS § 26-47(b)
28	Taxidermist	CGS § 26-58
29	Wildlife rehabilitator	CGS § 26-54

Current law also applies to the following applications, but the bill does not:

1. aquifer protection (but see aquifer protection registration in Table 1),
2. coastal management consistency review form for federal authorization,
3. emergency authorization to discharge to groundwater to remediate pollution,
4. property transfers,
5. marine terminals,
6. pesticide application by aircraft,
7. pesticides in state waters,
8. waste transportation,
9. E-waste covered recycler,
10. campground reservations and other camping permits (but see camping site leases in Table 1),
11. fishing tournaments,
12. commercial arborists,
13. licensed environmental professional,
14. pesticide certification and registration,
15. solid waste facility operator,
16. wastewater treatment facility operator certification, and
17. forest practitioner.

BACKGROUND***Licensed Environmental Professional***

An LEP is a person qualified by experience and education to engage in activities associated with investigating and remediating pollution, including the release of hazardous waste or petroleum products into soil or groundwater, who has passed a state examination (CGS § 22a-133v).

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 30 Nay 0 (03/22/2018)